

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00303-001 (PG)

JAVIER ROSADO

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE
AND REQUESTING MODIFICATION OF CONDITIONS OF RELEASE**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Martín De Santiago, U.S. Probation Officer of this Court, presenting an official report upon the conduct and attitude of Javier Rosado, who was sentenced on March 17, 2000, to seventy-one (71) months of imprisonment after he was convicted of violating Title 21 U.S. Code, Section 952. A supervised release term of ten (10) years was imposed with the special conditions which included drug testing, and treatment if necessary, financial disclosure, and the annual submission of the filing of his income tax returns as required by law. A special monetary assessment in the amount of \$100 was also imposed. On July 9, 2004, the offender was released from custody at which time the supervision term imposed commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The offender recently admitted to having used cocaine and having been experiencing depression episodes. He attributed the aforementioned non-compliant behavior to familial discord. It should be noted that all his drug tests had been negative and that he had been in compliance with

his conditions of release until recently. Mr. Rosado, and this officer of the Court, believe that he will benefit from mental health treatment. Nevertheless, his current conditions of release do not include the mental health condition.

The aforementioned was discussed with the offender and he has agreed to the modification of conditions as noted on the attached Probation Form 49 - Waiver of Hearing to Modify Conditions of Probation/Supervised Release of Extend Term of Supervision, modifying his conditions to require him to participate in Mental Health Treatment.

WHEREFORE, it is respectfully requested, unless ruled otherwise by the Court, that our request for the modification of conditions be granted as noted on the attached waiver.

In San Juan, Puerto Rico, this 17th day of November 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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MDS/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia I. Torres-Pabon, Assistant U.S. Attorney, and to defense counsel Anita Hill.

In San Juan, Puerto Rico, this 17th day of November 2005.

s/Martin De Santiago
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MDS